

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Michael Delaney <i>et al.</i>	Examiner:	Thomasson, Meagan J
Application No.:	10/645,153	Group Art Unit:	3714
Filing Date:	August 21, 2003	Confirmation No.	7182
Office Action Date:	February 9, 2007	Docket No.	83336.1535
Title:	FIXED POOL BONUS METHOD AND APPARATUS	Customer No.	66880

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.183

TO WAIVE 37 C.F.R. § 1.48(a)(2) and (3)

Dear Sir/Madam:

The Assignee requests that 37 C.F.R. § 1.48(a)(2) and (3) be waived by the Director in U.S. Patent Application No. 10/645,153 ("the Current '153 Application") due to the extraordinary situation described below.

Background

The Current '153 Application, filed on August 21, 2003, lists inventors Michael Delaney, Loren Nelson, and Warren White. Mr. Delaney, Mr. Nelson, and Mr. White assigned their interest in the Current '153 Application to their employer, the Assignee, as shown in Reel/Frame numbers 014691/0198, 014691/0191, and 014691/0179, respectively.

It recently came to the attention of the Assignee that Robert A. Luciano, Jr. is a joint inventor regarding the pending claims of the Current '153 Application. This information has been confirmed by Mr. Delaney, Mr. Nelson, and Mr. White.

In order to correct inventorship, the USPTO requires that Mr. Luciano provide (a) a written statement that the error in inventorship occurred without deceptive intent on his part, and (b) a declaration of inventorship as required by 37 C.F.R. § 1.63. The Assignee notes that Mr.

Delaney, Mr. Nelson, and Mr. White have provided a 37 C.F.R. § 1.48(a)(3) declaration as required by 37 C.F.R. § 1.63, listing Mr. Luciano as a joint inventor.

Extraordinary Situation

Mr. Luciano, an executive of the Assignee, who has a fiduciary duty to assign this invention to the Assignee, has been unavailable for several months and will be unable to sign within the prescribed time period due to complications associated with a stroke, which came about unexpectedly. For this reason, Mr. Luciano cannot provide the 37 C.F.R. § 1.48(a)(2) written statement or 37 C.F.R. § 1.48(a)(3) declaration as required by 37 C.F.R. § 1.63.

The Assignee asserts that this situation is akin to the provisions of 37 C.F.R. § 1.43. However, the Assignee is unaware of there being any legal representative that may execute the required documents on Mr. Luciano's behalf.

Requested Relief

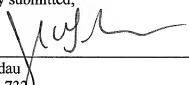
The Assignee respectfully requests that the Director waive the § 1.48(a)(2) and (3) requirement for Mr. Luciano as he is unable to provide the written statement or declaration of inventorship due to complications associated with a stroke.

Included with this petition is the fee set forth in § 1.17(f). The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 C.F.R. § 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should there be any questions concerning the foregoing, the Office of Petitions is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: August 9, 2007



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